

MONDAY, MARCH 17, 1997

SEVENTEENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by John Langlois, Lockeland Baptist Church, Nashville, Tennessee.

Representative Boner led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons

Representative Turner (Hamilton); personal and business reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 413: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 518: Rep(s). S. Jones as prime sponsor(s).

House Bill No. 731: Rep(s). Goins as prime sponsor(s).

House Bill No. 732: Rep(s). Goins as prime sponsor(s).

House Bill No. 733: Rep(s). Goins as prime sponsor(s).

House Bill No. 825: Rep(s). Bittle as prime sponsor(s).

House Bill No. 848: Rep(s). Patton as prime sponsor(s).

House Bill No. 1109: Rep(s). Goins as prime sponsor(s).

House Bill No. 1111: Rep(s). Goins as prime sponsor(s).

House Bill No. 1112: Rep(s). Goins as prime sponsor(s).

House Bill No. 1243: Rep(s). Cole (Dyer), Davidson, Brown, Tidwell, Armstrong, Givens, Miller, Head, Lewis, Pinion, Winningham and Robinson as prime sponsor(s).

House Bill No. 1336: Rep(s). Goins as prime sponsor(s).

House Bill No. 1349: Rep(s). Bittle as prime sponsor(s).

House Bill No. 1447: Rep(s). Naifeh as prime sponsor(s).

MESSAGE FROM THE SENATE

March 17, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 121; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 121 -- Memorials, Retirement - Frank Dudley. by *Rochelle.

PERSONAL ORDERS

BILLS WITHDRAWN

On motion of Rep. Goins, **House Joint Resolution No. 104** was withdrawn from the House.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 19, 1997:

House Joint Resolution No. 113 -- Memorials, Retirement - Gene W. Mercer. by *Cole (Carter).

House Joint Resolution No. 114 -- Memorials, Academic Achievement - David McMahan Branam. National Beta Club Tennessee 1996-1997 Harris Leadership award. by *Davis R.

House Joint Resolution No. 116 -- Memorials, Heroism - Jerry Ingram. by *McDaniel, *Kisber.

House Joint Resolution No. 117 -- Memorials, Retirement - James W. Anderson. by *Hargett, *Kent, *Pleasant, *Haley, *Hassell, *Scroggs, *Cooper B, *Turner (Shelby).

House Joint Resolution No. 118 -- Memorials, Professional Achievement - "The Bev Johnson Show," tenth anniversary. by *Jones U (Shelby) *DeBerry L, *DeBerry J, *Brooks, *Bowers, *Armstrong, *Turner (Shelby), *Langster, *Miller L, *Pruitt, *Cooper B, *Brown.

House Joint Resolution No. 119 -- Memorials, Professional Achievement - James O. Baker, President, National Rural Electric Cooperative Association (NRECA). by *Hood, *Eckles, *Sargent, *Beavers, *Williams (Williamson), *Bone, *Buck.

House Joint Resolution No. 120 -- Memorials, Personal Achievement - Gloria M. Jones, Grand Matron, Order of Eastern Star. by *DeBerry L, *Bowers.

House Joint Resolution No. 121 -- Memorials, Academic Achievement - 1997 All-Tennessee Academic Team. by *Cole (Dyer).

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 19, 1997:

Senate Joint Resolution No. 121 -- Memorials, Retirement - Frank Dudley. by *Rochelle.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1949 -- Baxter - Subject to local approval, restricts board's power to override mayor's veto to ten days after adoption of ordinance; permits three aldermen to call special meeting Amends Chapter 35 of the Private Acts of 1915; as amended. by *Hargrove.

House Bill No. 1950 -- Clarksville - Subject to local approval, permits operation of own telecommunications utility. Amends Chapter 292 of the Private Acts of 1957. by *Head, *McMillan.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 250** -- Public Records - Permits Madison County to sell public records with commercial value. by *Carter. (HB 350)

***Senate Bill No. 586** -- County Officers - Authorizes Knox County court clerks to charge, in addition to any other fees, fee not to exceed \$5.00 for computer searches of public records having commercial value. Amends TCA Title 8, Chapter 21, Part 4. by *Gilbert, *Atchley. (HB 1580)

***Senate Bill No. 604** -- County Government - Permits county to use pricing discount obtained by national association purchasing alliance as formal bid or price quote under purchasing law Amends TCA Title 12, Chapter 3, Part 10. by *Henry. (HB 867)

Senate Bill No. 929 -- County Government - Authorizes county legislative bodies to control litter on public or private property by resolution and to impose civil penalty instead of criminal penalty. Amends TCA Title 39, Chapter 14, Part 5. by *Miller J. (*HB 495)

***Senate Bill No. 1191** -- Municipal Government - Makes new municipal incorporation effective July 1 for purpose of distributing site based state shared taxes; revises timing of elections to incorporate new municipalities. Amends TCA Title 6, Chapter 1, Part 2; Title 6, Chapter 18, Part 1 and Title 6, Chapter 30, Part 1. by *Ramsey, *Wilder. (HB 1000)

***Senate Bill No. 1257** -- Administrative Procedure - Establishes notification procedure and requirements for administrative declaratory order hearing. Amends TCA Title 4, Chapter 5. by *Springer. (HB 1098)

***Senate Bill No. 1322** -- Historical Sites - Clarifies ownership and operation control of Cragfont historic site, Sumner County Amends TCA Title 4, Chapter 13, Part 4. by *Graves. (HB 960)

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Senate Bill No. 1526 -- Claims Commission, Tennessee - Replaces commissioner of revenue with commissioner of finance and administration on board of claims; limits applicable appellate rules to those governing final judgments entered in civil actions by trial courts. Amends TCA Section 9-8-101(a) and Section 9-8-403(a)(1). by *Crutchfield. (*HB 441)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1948 -- Cookeville -- Local Bill Held on House Desk

**CAPTION BILLS REFERRED
March 14, 1997**

Pursuant to **Rule No. 47**, the following Caption Bill(s), 200 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 200 -- Capitol -- House Conservation & Environment Committee

CONSENT CALENDAR

House Bill No. 255 -- Fees - Authorizes register of deeds in Anderson County to demand \$2.00 fee for data processing for each instrument recorded; fee to be allocated for purchase of computer equipment, upgrades, supplies and maintenance used in register's office. Amends TCA Section 8-21-1001. by *Caldwell. (*SB158 by *McNally)

On motion, House Bill No. 255 was made to conform with **Senate Bill No. 158**; the Senate Bill was substituted for the House Bill.

House Bill No. 835 -- Drainage, Levee Districts - Authorizes county legislative bodies to abolish drainage districts upon completion of projects for which district created; excess funds to go to county general fund for appropriation Amends TCA Title 69, Chapter 6. by *Walley, *Naifeh. (*SB1376 by *Wilder)

House Bill No. 1021 -- Highway Signs - "Carl W. Woodard Memorial Bridge," S.R. 85, Smith County. by *Buck, *Bone. (*SB515 by *Rochelle)

On motion, House Bill No. 1021 was made to conform with **Senate Bill No. 515**; the Senate Bill was substituted for the House Bill.

House Bill No. 1330 -- Highway Signs - "Tennessee Rehabilitation Center," I-40 and I-40, Rutherford and Wilson counties. by *Eckles, *Hood. (*SB1639 by *Womack)

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House Bill No. 1447 -- Highway Signs - Davies Manor Historic Site, I-40, Shelby County. by *Haley, *Hargett, *Scroggs, *Hassell, *Pleasant, *Kent. (*SB1690 by *Leatherwood)

House Bill No. 1941 -- Hardeman County - Subject to local approval, increases limit of purchases for county purposes from \$2,000 to state purchase limit of \$5,000 without approval of county purchasing agent; creates automatic adjustment of future county purchase limits to coincide with state bid limit increases Amends Chapter 90 of the Private Acts of 1989. by *Walley, *Fitzhugh.

House Bill No. 1942 -- Athens - Subject to local approval, reduces terms of school board members from six to four years. Amends Chapter 455 of the Private Acts of 1953; as amended. by *McKee.

House Resolution No. 35 -- Memorials, Illness - Robbie Daniels. by *Goins.

House Resolution No. 36 -- Memorials, Academic Achievement - Mary Ann Peine, University of Tennessee, honorable mention in All-USA College Academic Team program. by *Huskey.

House Resolution No. 37 -- Memorials, Personal Achievement - Lauren Simpson Briggance, Girl Scout cookie sales. by *Langster, *Pruitt, *Jones, S..

***House Joint Resolution No. 40** -- Highway Signs - "Charles H. Turner Boulevard," U.S. 70 from Shute Lane to Tulip Grove Road. by *West.

House Joint Resolution No. 105 -- Memorials, Death - Etherage Johnson "Trey" Parker III. by *Bone.

House Joint Resolution No. 107 -- Memorials, Professional Achievement - Brad Miller, winner of ARTBA Award. by *Cole (Dyer).

House Joint Resolution No. 108 -- Memorials, Sports - Beech High School football cheerleaders, 1st place, International Open Cheerleading Competition. by *Stamps.

House Joint Resolution No. 109 -- Memorials, Public Service - Will Duncan. by *McDaniel, *Stamps.

House Joint Resolution No. 110 -- Memorials, Retirement - E. Almer "Al" Curtis, Jr. by *Armstrong, *Tindell, *Dunn, *Bittle, *Boyer, *Ritchie, *Burchett.

House Joint Resolution No. 111 -- Memorials, Sports - Jennifer Cristy, record setting Oak Ridge High School swimmer. by *Caldwell.

House Joint Resolution No. 112 -- Memorials, Sports - 1996-1997 LaFollette Middle School boy's basketball team, eastern sectional champs. by *Goins.

***Senate Joint Resolution No. 12** -- Highway Signs - "Elizabeth Yancey Griffin Memorial Bridge," S.R. 385, Shelby County. by *Wilder, *Leatherwood.

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Senate Joint Resolution No. 93 -- Memorials, Death - Arnold A. (Beady) Atwood. by *Rochelle, *Harper.

Senate Joint Resolution No. 94 -- Memorials, Academic Achievement - Jeffery Rich, Valedictorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 95 -- Memorials, Academic Achievement - Amanda Carol Robinson, Salutatorian, Smith County High School. by *Rochelle.

Senate Joint Resolution No. 96 -- Memorials, Academic Achievement - Heath Crowe, Valedictorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 97 -- Memorials, Academic Achievement - Rebecca Baker, 1997 Salutatorian, Gordonsville High School. by *Rochelle.

Senate Joint Resolution No. 98 -- Memorials, Recognition and Thanks - Rocky Mount Museum, 35th anniversary. by *Ramsey, *Crowe.

Senate Joint Resolution No. 100 -- Memorials, Personal Occasion - Elbert Marvin, 101st birthday. by *Springer.

Senate Joint Resolution No. 102 -- Memorials, Sports - Nelson Smotherman, TSSAA Hall of Fame. by *Womack.

Senate Joint Resolution No. 103 -- Memorials, Sports - Coach Lee Pate, TSSAA Hall of Fame. by *Womack.

Senate Joint Resolution No. 104 -- Memorials, Personal Occasion - Neil Kirk Darnell, birth. by *Kurita, *Kyle.

Senate Joint Resolution No. 105 -- Memorials, Death - Maghan Philip. by *Haynes.

Senate Joint Resolution No. 109 -- Memorials, Death - Katherine Purnell Rochelle Oakley. by *Wilder, *Crutchfield, *Atchley, *Womack, *McNally, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams.

Rep. Langster moved that all members voting aye on **House Resolution No. 37** be added as sponsors which motion prevailed.

Rep. Cole (Dyer) moved that all members voting aye on **House Joint Resolution No. 107** be added as sponsors which motion prevailed.

Rep. Bone moved that all members voting aye on **Senate Joint Resolution No. 109** be added as sponsors which motion prevailed.

On previous motion of Rep. Goins, **House Joint Resolution No. 104**, set on today's Consent Calendar was withdrawn from the House.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 184** -- Sunset Laws - Tennessee Ocoee development agency, June 30, 1999. Amends TCA Title 4, Chapter 29 and Title 64, Chapter 9. by *Kernell, *Garrett, *Brooks. (SB85 by *Springer)

Further consideration of House Bill No. 184 previously considered on March 10, 1997, and reset to today's Calendar.

Rep. Kernell moved that House Bill No(s). 184 be reset for the Regular Calendar on April 7, 1997, which motion prevailed.

House Bill No. 1349 -- Highways, Roads and Bridges - Directs department of transportation to implement directional signing program for wildlife management areas, wildlife refuges and state lakes. Amends TCA Title 54, Chapter 5, Part 7. by *Robinson. (*SB1010 by *Gilbert, *Dixon, *Williams)

On motion, House Bill No. 1349 was made to conform with **Senate Bill No. 1010**; the Senate Bill was substituted for the House Bill.

Rep. Robinson moved that **Senate Bill No. 1010** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 825 -- Drugs - Establishes special fund in jurisdictions making arrest under Tennessee Drug Control Act for receipt, disbursing, and accounting of proceeds from fines and forfeitures. Amends TCA Section 39-17-420, Section 53-11-415 and Section 53-11-452. by *Rinks, *Stulce. (*SB190 by *Rochelle)

Rep. Rinks moved that House Bill No. 825 be passed on third and final consideration.

Rep. S. Jones moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 825 by adding the following new section immediately preceding the last section and by renumbering the subsequent accordingly:

Section _____. The provisions of this act shall not apply in any county having a metropolitan form of government and a population in excess of five hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 1 was adopted.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Rinks moved that **House Bill No. 825**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 91
Noes 3
Present and not voting..... 3

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Ferguson, Lewis, Windle -- 3.

Representatives present and not voting were: Arriola, McDonald, Stamps -- 3.

A motion to reconsider was tabled.

House Bill No. 848 -- County Officers - Authorizes county legislative body to set term of office of constables or abolish constables and to remove law enforcement powers Amends TCA Title 8, Chapter 10. by *Curtiss. (*SB632 by *Person)

Rep. Curtiss moved that House Bill No. 848 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 848 by deleting in its entirety the amendatory language of Section 4, and by substituting instead the following language:

() Notwithstanding any other provision of law to the contrary, a county legislative body may, by adopting a resolution by two-thirds (2/3) vote at two (2) consecutive meetings of the county legislative body, abolish the office of constable for that county or set the term of office for the constable at either two (2) or four (4) years. Any change would not be effective until the end of the current term being served by the constable.

AND FURTHER AMEND by deleting in its entirety the amendatory language of Section 5, and by substituting instead the following language:

() Notwithstanding any other provision of law to the contrary, a county legislative body may, by adopting a resolution by two-thirds (2/3) vote at two (2) consecutive meetings of the county legislative body, remove any law enforcement powers exercised by the constables of the county.

On motion, Amendment No. 1 was adopted.

Rep. Curtiss requested that House Bill No. 848 be moved to the heel of the Calendar.

***House Bill No. 15** -- Drugs - Makes stimulant "methcathinone" Schedule I controlled substance Amends TCA Title 39, Chapter 17, Part 4. by *Newton. (SB67 by *Miller J)

Rep. Newton moved that House Bill No. 15 be passed on third and final consideration.

Rep. Jackson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 15 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Newton moved that **House Bill No. 15**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West,

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Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 848 -- County Officers - Authorizes county legislative body to set term of office of constables or abolish constables and to remove law enforcement powers Amends TCA Title 8, Chapter 10. by *Curtiss. (*SB632 by *Person)

Further consideration of House Bill No. 848, previously considered on today's Calendar, at which time the House adopted Amendment No. 1.

Rep. Curtiss moved that House Bill No. 848, as amended, be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes.....	50
Noes	39
Present and not voting.....	2

Representatives voting aye were: Armstrong, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Cole (Carter), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fowkes, Fraley, Godsey, Gunnels, Halteman-Harwell, Hargett, Hassell, Head, Hicks, Hood, Huskey, Kent, McAfee, McDaniel, McDonald, McMillan, Mumpower, Newton, Patton, Pleasant, Pruitt, Rhinehart, Ritchie, Robinson, Sargent, Scroggs, Sharp, Stulce, Tindell, Walker, Walley, West, Whitson -- 50.

Representatives voting no were: Arriola, Beavers, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Dyer), Cooper, Ferguson, Fitzhugh, Ford, Givens, Goins, Haley, Jackson, Jones S., Kerr, Lewis, Maddox, McKee, Miller, Phelan, Phillips, Pinion, Ridgeway, Rinks, Roach, Sands, Stamps, Tidwell, Towns, Turner (Shelby), Westmoreland, White, Windle, Winningham, Wood -- 39.

Representatives present and not voting were: Jones U., Kernell -- 2.

Rep. Ferguson moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 848 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 47,000 nor more than 47,500 according to the 1990 federal census or any subsequent federal census.

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On motion, Amendment No. 2 was adopted.

Rep. Curtiss moved that **House Bill No. 848**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	81
Noes	12
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Mumpower, Newton, Odom, Patton, Pleasant, Pruitt, Ridgeway, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Cross, Fitzhugh, Ford, Jackson, Maddox, McKee, Phelan, Phillips, Pinion, Rinks, White, Windle -- 12.

Representatives present and not voting were: Bowers -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on 848 and have this statement entered in the Journal: Rep(s). Goins.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 301: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1264: Rep(s). Scroggs as prime sponsor(s).

House Bill No. 1366: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1401: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1410: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 1482: Rep(s). McDaniel as prime sponsor(s).

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House Bill No. 1495: Rep(s). Boner as prime sponsor(s).

House Bill No. 1825: Rep(s). Mumpower, Haley, Beavers, Boyer, Hargett, Walker, Goins, Newton, Dunn, Sargent and Patton as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Williams was/were removed as sponsor(s) of **House Bill No. 1250**.

On motion, Rep(s). Wood was/were removed as sponsor(s) of **House Bill No. 1239**.

On motion, Rep(s). Cole (Dyer), Davidson, Brown, Tidwell, Armstrong, Givens, Miller, Lewis, Pinion, Winningham and Robinson was/were removed as sponsor(s) of **House Bill No. 1243**.

MESSAGE FROM THE SENATE

March 17, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1 and 23; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 17, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 377; also, Senate Joint Resolution(s) No(s). 81, 82, 89, 90 and 107 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

March 17, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 15, 825, 835, 848, 1330, 1447, 1941 and 1942, also, House Joint Resolution(s) No(s) 40, 105, 107, 108, 109, 110, 111 and 112.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 96

MONDAY, MARCH 17, 1997 -- SEVENTEENTH LEGISLATIVE DAY

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, March 19, 1997.